

Steven L. Boldt

From: Steven L. Boldt
Sent: Friday, June 14, 2013 4:24 PM
To: Mike Behan (behan@tds.net)
Subject: Eisinger v. Frontier

Hi, Mike:

Please call me back so we can discuss this matter. I'm drafting a proposed protective order that we can file jointly. I'll forward to you for review sometime next week.

I hope your client has bounced back and you've been able to speak to her. When you do, perhaps you could ask her what dates she has available in August for her deposition and in September for an IME (this is assuming she has bounced back and we have complete sets of her medical records by then).

Thanks much, Mike. Have a good weekend!

Steve

Steven L. Boldt
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Steven L. Boldt

From: Steven L. Boldt
Sent: Wednesday, August 07, 2013 2:28 PM
To: Mike Behan (behan@tds.net)
Cc: dgg@mnsi.net
Subject: Eisinger v. Frontier Airlines: Initial Disclosures and Discovery Requests
Attachments: CMS.pdf; First Set Interrogatories to Plaintiff 8.7.13.pdf; First Set of RFP to Plaintiff 8.7.13.pdf; Frontier Initial Disclosures 8.7.13.pdf; Blank.pdf; Dr Kaubchandani.pdf; Dr Musso.pdf; Dr Tsay.pdf; Scehurer Hospital.pdf; Total Patient Care Home Health Care.pdf

Hi Mike:

Enclosed please find: (1) Frontier's Rule 26(a)(1) Initial Disclosures; (2) First Set of Interrogatories to Plaintiff; (3) First Set of Requests for Production to Plaintiff; (4) a Centers for Medicare & Medicaid eligibility form; and (5) HIPAA authorizations for Plaintiff's previously identified treaters along with a blank HIPAA form for any additional healthcare professionals Plaintiff identifies in her responses to the aforementioned discovery requests. Hardcopies will also be arriving to your office via U.S. mail.

Feel free to give me a call to discuss this matter at your convenience. Thanks, Mike.

Steve

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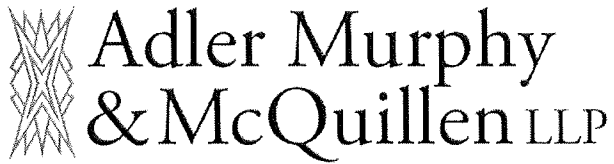
Steven L. Boldt

From: Mike Behan <behanm@msu.edu>
Sent: Monday, September 30, 2013 8:20 AM
To: Steven L. Boldt
Subject: Re: Judy Eisinger

Absolutely no confirmation of this, but I heard she was moved to a nursing home. On my list to run down this week. Thanks for your patience. Mike

On Sep 30, 2013, at 9:17 AM, Steven L. Boldt wrote:

> Mike:
>
> Any news?
>
> Thanks,
> Steve
>
> -----Original Message-----
> From: Mike Behan [<mailto:behanm@msu.edu>]
> Sent: Tuesday, September 03, 2013 6:07 AM
> To: Steven L. Boldt
> Subject: Judy Eisinger
>
> Steve:
>
> I hope you are well.
>
> I finally reached Judy Eisinger. She had again been hospitalized with bowel obstruction. She is not doing well. She is unable to move home and will either be headed to a nursing home or to live with her daughter.
>
> I sent the discovery requests c/o her daughter's home and will keep you posted.
>
> Hope you had a great holiday weekend.
>
> Mike



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Gregory M. Canfield
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**VIA E-MAIL – PDF FORMAT
AND U.S. MAIL**

November 6, 2013

Michael R. Behan, Esq.
SCHRAM BEHAN & BEHAN
4127 Okemos Road, Suite 3
Okemos, Michigan 48864
behanm@msu.edu

RE: Eisinger v. Frontier Airlines
Case No.: 5:13-cs-11475
Our File No.: 10AZ0265

Dear Mr. Behan:

As you know, on August 7, 2013, we issued the following discovery requests directed to your client in the above-referenced matter: (1) Defendant's First Set of Interrogatories to Plaintiff; and (2) Defendant's First Set of Requests for Production to Plaintiff. These requests are substantially the same to the discovery we previously issued on February 21, 2013 while the case was pending in state court, which were likewise left unanswered. Pursuant to the Federal Rules of Civil Procedure 33 and 34, Plaintiff's responses to our re-issued August 7, 2013 requests were due on September 7, 2013. To date, however, we have received no answers or documents responsive to any of our requests.

Throughout September and October, we have had multiple telephone conversations and e-mail correspondence related to your client's anticipated responses to our discovery requests and to further our prior settlement discussions. As we discussed over the phone yesterday on November 5, 2013, we have been put in an untenable position to properly defend this case due to your client's inability or unwillingness to meet her obligations under the Federal Rules governing the discovery process. Defendant's expert witness list is due November 25, 2013; however, it is impossible for us to disclose, let alone retain, experts without having received any information or

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Michael R. Behan, Esq.
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November 6, 2013
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documentation regarding Plaintiff's allegations of liability and damages. We respectfully demand full responses and compliance with our discovery requests within seven (7) days on or before November 13, 2013.

Please consider this correspondence in accordance with Federal Rule of Civil Procedure 37 and E.D. Mich. Local Rule 37.1. If we do not receive complete discovery responses, we will be left with no other choice but to file a motion to compel Plaintiff's compliance with our requests, and reserve our right to seek any and all further relief available to us from the Court.

Very truly yours,

ADLER MURPHY & McQUILLEN LLP



Steven L. Boldt

cc: Dean Greenblatt, Esq. (via e-mail only)
Brian T. Maye, Esq. (via e-mail only)

Steven L. Boldt

From: Steven L. Boldt
Sent: Wednesday, November 06, 2013 1:42 PM
To: 'Mike Behan'
Subject: RE: Eisinger v. Frontier: Plaintiff's Discovery Responses
Attachments: M. Behan 11.6.13.pdf

Hi Mike:

I've attached the correspondence again, which has also been sent via U.S. mail. It's a PDF-generated document, so there shouldn't be any smudged print, but let me know if it still doesn't work or perhaps you can try opening it on another computer.

Hopefully you can get in touch with Ms. Eisinger today—I know she hasn't been the easiest of clients to communicate with. Talk soon and hope all is well with you.

Thanks,
Steve

From: Mike Behan [<mailto:behanm@msu.edu>]
Sent: Wednesday, November 06, 2013 11:50 AM
To: Steven L. Boldt
Subject: Re: Eisinger v. Frontier: Plaintiff's Discovery Responses

Steve:

Hope you are well. Per our conversation of yesterday, I am trying to run-down Ms. Eisinger's whereabouts. The last I heard was that she was being placed in a nursery home.

The letter you attached was not readable. It was full of blocked-out (smudged) print. If you would, please re-send the attachment.

Thanks.

Mike Behan

On Nov 6, 2013, at 12:05 PM, Steven L. Boldt wrote:

<M. Behan 11.6.13.pdf>

Steven L. Boldt

From: Mike Behan <behanm@msu.edu>
Sent: Friday, November 15, 2013 2:05 PM
To: Steven L. Boldt
Subject: Eisinger

Mr. Bolt:

I am in receipt of your letter dated November 6, 2013, which was forwarded to Ms. Eisinger. My last correspondence from Ms. Eisinger is some months back and related to her moving and the bowl obstruction.

I sent her your letter and told her I needed to hear from her no later than November 20, 2013 (two weeks from the date of her letter).

I will consent to any extensions of time needed by you with respect to the delay not responding to the discovery requests has caused and I have informed Ms. Eisinger that the discovery needs to be completed immediately.

Thank you again for the courtesy and professionalism you have shown me.

If you need, I will consent to an Order regarding the compelling of discovery responses by December 1st. I will have to take different action if I don't hear from her before then.

Mike Behan

Steven L. Boldt

From: Mike Behan <behanm@msu.edu>
Sent: Friday, November 15, 2013 2:39 PM
To: Steven L. Boldt
Subject: Eisinger

Steve:

Just confirming our conversation - plaintiff agrees to have outstanding discovery to you by December 1st and agrees to any extension of dates.

Also, I reviewed the Rule 26 disclosures - they were as accurate as the info I have.

If there is something you believe needs to be supplemented to or added to, I don't object to doing that either.

Thanks again.

Mike Behan